

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The following remarks are presented for the Examiner's review.

Claim Rejections – 35 USC § 103

Claims 1-5 and 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koepke (U.S. Patent No. 2,026,838) in view of Kogel (U.S. Patent No. 2,773,359). Claims 6 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Koepke as modified Kogel as applied to claim 1 above, and further in view of Schumacher I (U.S. Patent No. 2,728,198). Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Koepke as modified by Kogel as applied to claim 1 above, and further in view of Schumacher II (U.S. Patent No. 3,803,862). For at least the following reasons, the Examiner's rejection is respectfully traversed.

With regard to claim 1, as asserted in previous submissions, the claimed subject matter is an "absorption refrigerator" which differs fundamentally from a compressor refrigerator. One major difference between the two types of refrigerators is the way in which gas is changed back to liquid to allow the refrigeration cycle to repeat itself. In a compressor refrigerator, this step is performed by the compressor whereas, in an absorption refrigerator, this is done through heat and does not require a moving part such as a compressor. In other words, the presence of a compressor as a refrigerator component means that such a refrigerator is *not* an absorption refrigerator. Thus, since the refrigerator of Koepke includes a refrigerant compressor outfit 25, Koepke does not disclose an "absorption refrigerator" contrary to what is asserted in the Office action and a person of ordinary skill in the art would not consider the teachings of Kogel to be applicable to a refrigerator that operates in a fundamentally different fashion, as in Koepke.

The rejections repeatedly rely on references discussing compressor refrigerators which have no bearing to the claimed subject matter. Applicant would like to conduct an interview with the Examiner for further discussion of this issue if the Examiner is still not convinced after reading the above. The refrigerator components of an absorption refrigerator are more specifically recited in claim 9.

In addition, the combination cannot result in an absorption refrigerating system with “a first tube section (21) which is arranged to absorb heat from the low temperature compartment”, “a second tube section which is (22), which is arranged to absorb heat from the higher temperature compartment” and “a third tube section (23) which is arranged to absorb heat from the ice fabrication device” because Koepke and Kogel both describes having only two tube sections. Koepke describes a coil of pipe 4 for absorbing heat from a refrigerating chamber 2 and a coil of pipe 15 for absorbing heat from a chamber 11 while Kogel describes an evaporator section 10a for absorbing heat from a freezing compartment 42 and an evaporator section 10b for absorbing heat from a food storage compartment 43.

The Office action asserted that the refrigerator of Koepke could be modified to include an evaporator tube section for the fabrication of ice as taught by Kogel in order to store frozen items inside the refrigerating compartment. Kogel describes that a horizontally disposed plate 41 is arranged in thermal exchange relation with the looped coils of both evaporator sections 10a and 10b to provide a shelf for placing matter to be frozen in good thermal contact with the low temperature evaporator section 10a (col. 3, lns. 47-52). In other words, such an ice fabrication device would simply make use of an already-provided evaporator section (‘in good thermal contact’) rather than being provided with a dedicated “third tube section”. Thus, Kogel contains no teaching about providing a “third tube section” arranged to absorb heat from the ice

fabrication device between the first tube section and the second tube section and the Office action simply appears to utilize impermissible hindsight relying on knowledge gleaned from the application rather than proceed through a logical interpretation of the teachings in the references.

Accordingly, since Koepke and Kogel fail to disclose or render obvious each and every limitation of claim 1 and claims depending therefrom, the rejection was improper and must be withdrawn.

Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. WDOK-39335.

Respectfully submitted,
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